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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

STATE OF MISSOURI, Petitioner,

Vs.

No. 80-571

WILLIAM SCOTT SOURS, Respondent,

MOTION AND ~~SUGGESTIONS~~

FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The respondent, WILLIAM SCOTT SOURS, by counsel, hereby moves the Court for its order allowing the respondent to proceed in this case in forma pauperis pursuant to Supreme Court Rule 53.

As grounds for this motion, the respondent states as follows:

1. On October 9, 1980, a petition for a writ of certiorari was filed in the above case and assigned the above number.

2. This Court has directed that a response to that petition be filed.

3. The respondent in this case is presently incarcerated in the Jasper County Jail, Carthage, Missouri and unable to pay the costs and expenses required or necessitated in responding to the petition for writ of certiorari and by any other subsequent proceedings.

4. The respondent is not learned in the law and is unable to personally prepare a response to the petition for writ of certiorari or to represent himself in any subsequent proceedings.

5. In support of this motion, the respondent's affidavit is attached hereto and made apart hereof.

WHEREFORE, the respondent prays that the Court allow

him to proceed in forma pauperis and to grant him such other relief as is deemed necessary and proper.

Respectfully submitted,

David Robards pvh

DAVID ROBARDS
PUBLIC DEFENDER

201 JASPER COUNTY COURTS BUILDING
SIXTH AND PEARL STREETS
JOPLIN, MISSOURI 64801
(417) 781-4114

ATTORNEY FOR RESPONDENT

I hereby certify that a true and correct copy of the foregoing was mailed postage pre-paid this, 19th day of December, 1980 to: Mr. Paul R. Otto, Chief Counsel, Criminal Division, Missouri Supreme Court Building, Jefferson City, Missouri.

Paula E. Howell

IN THE

SUPREME COURT OF THE UNITED STATES

STATE OF MISSOURI,	Petitioner,	
Vs.		No. 80-571
WILLIAM SCOTT SOURS,	Respondant,	

AFFIDAVIT OF RESPONDENT

The respondent, WILLIAM SCOTT SOURS, upon his oath, hereby states the following:

1. I am presently incarcerated within the Jasper County Jail and am without funds to pay for the costs and expenses involved in this case.

2. I was granted leave to proceed as a poor person by the Courts of the State of Missouri with regard to the case for which a writ of certiorari is sought.

3. I am not learned in the law and am unable to represent myself in this action.

I swear that the above things are true and correct.

William Scott Sours
WILLIAM SCOTT SOURS

Subscribed and sworn to before me this 19th day of December, 1980.

Paula Howell
Notary Public

My commission expires: April 27, 1984.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

NO. 80-571

STATE OF MISSOURI,

Petitioner

Vs.

WILLIAM SCOTT SOURS,

Respondent

BRIEF IN OPPOSITION

TO GRANTING PETITION FOR WRIT OF CERTIORARI

DAVID ROBARDS
PUBLIC DEFENDER

201 JASPER COUNTY COURTS BUILDING
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ATTORNEY FOR RESPONDENT

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TABLE OF AUTHORITIES

Blockburger v. United States, 284 U.S. 299 (1932);

Brinkley v. Michigan, ____ U.S. _____ (1979);

Eastlake v. Forrest City Enterprises, Inc., 426 U.S. 668 (1976);

Elmore v. State, 382 N.E.2d 893, 894-95 (Ind. 1978);

Garner v. Louisiana, 368 U.S. 157 (1961);

Harris v. Oklahoma, 433 U.S. 682 (1977);

Hunter v. State, 420 A.2d 119 (Del. Supr. 1980);

Memorial Hospital v. Maricopa County, 415 U.S. 250 (1973);

Murel v. Baltimore City Criminal Court, 407 U.S. 355 (1972);

North Carolina v. Pearce, 395 U.S. 711 (1969);

North Carolina v. Rice, 404 U.S. 244 (1971);

O'Brien v. Skinner, 414 U.S. 524 (1973);

Sours v. State, 593 S.W.2d 208 (Mo. Banc 1980);

Sours v. State, 603 S.W.2d 592 (Mo. Banc 1980);

State v. Crate, 493 S.W.2d 1 (Mo.Ct.App. at St.L. 1973);

State v. Frey, 459 S.W.2d 359 (Mo. 1970);

Steffel v. Thompson, 415 U.S. 452 (1974);

United States v. DiFrancesco, No. 79-567;

Wayne County Prosecutor v. Recorder's Court Judge, 406 Mich. 374 280 N.W.2d 794 (1979);

Whalen v. United States, 445 U.S. ____ 1980;

STATUTES CITED

Mo.Rev.Stat.Sec. 559.225.

Mo.Rev.Stat.Sec. 571.015

Mo.Rev.Stat.Sec. 560.120

Mo.Rev.Stat.Sec. 556.041

Mo.Rev.Stat.Sec. 556.046

CONSTITUTIONAL PROVISION CITED

United States Constitution, Fifth Amendment.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

NO. 80-571

STATE OF MISSOURI,

Petitioner

Vs.

WILLIAM SCOTT SOURS,

Respondent

BRIEF IN OPPOSITION

TO GRANTING PETITION FOR WRIT OF CERTIORARI

The respondent, WILLIAM SCOTT SOURS, in opposition to the granting of the petition for writ of certiorari in this case, states as follows:

OPINIONS BELOW

The second opinion of the Missouri Supreme Court in this case is in most material respects accurately reproduced by the petitioner and is before this Court as Appendix A to the petition. It also has been reported in the advance sheets to the Southwestern Reporter, Sours v. State, 603 S.W.2d 592

(Mo. Banc 1980). The original opinion of that court is cited as Sours v. State, 593 S.W.2d 208 (Mo. Banc 1980).

JURISDICTIONAL STATEMENT

The petitioner seeks to invoke the jurisdiction of this Court under 28 U.S.C. Sec. 1257(3). The petitioner, however, fails to state in its jurisdictional statement what portion of that statute is purportedly applicable in this case. Presumably, however, the petitioner claims that this Court has jurisdiction to review the holding of the Missouri Supreme Court on the basis that "the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution . . . of the United States." Again presumably, it is the Missouri Supreme Court's holding with regard to the "validity" of Mo.Rev.Stat.Sec. 559.225 (Supp. 1976), the armed criminal action statute, which the petitioner feels provides the jurisdictional basis in this Court. However, it is to be noted that the Missouri Supreme Court did not invalidate Section 559.225 [renumbered effective January 1, 1979 as Mo. Rev.Stat.Sec. 571.015 (1979)] and prosecutions under that section are still authorized. Under these circumstances, the jurisdictional statement of the petitioner is inadequate to merit review by this Court.

QUESTIONS PRESENTED

1. Whether this case presents an issue in a manner that warrants the exercise of the certiorari jurisdiction of this Court?

2. Whether imposing separate punishments in a single state proceeding both for the offense of committing a felony by means of a dangerous and deadly weapon and for the commission of that felony violates the Double Jeopardy Clause of the Fifth Amend-

ment to the Constitution of the United States, where the highest court of that state has held the state legislature intended to separately punish both offenses but that the two offenses are in law and fact the same offense?

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the Constitution of the United States, in pertinent part, reads as follows:

> "No person shall . . . be subject for the same offense to be twice put in jeopardy of life or limb . . . ."

The statutes defining the underlying felony, armed robbery, Mo.Rev.Stat.Secs. 560.120 (1969) and 560.135 (Supp. 1975), and the armed criminal action statute, Mo.Rev.Stat.Sec. 559.225 (Supp. 1976), have been reproduced by the Missouri Supreme Court in its opinions, 593 S.W.2d at 213-14 and 603 S.W.2d at 597-98, n. 5 and 6. The petitioner has also reproduced these statutes in its Appendix C to the petition.

Mo.Rev.Stat.Sec. 556.041 (1978), effective January 1, 1979, provides as follows:

> "When the same conduct of a person may establish the commission of more than one offense he may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if
>
> (1) One offense is included in the other, as defined in section 556.046; or
>
> (2) Inconsistent findings of fact are required to establish the commission of the offenses; or
>
> (3) The offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct; or
>
> (4) The offense is defined as a continuing course of conduct was uninterrupted, unless the law provides that specific periods of such conduct constitute separate offenses."

Mo.Rev.Stat.Sec. 556.046 (1978), effective January 1, 1979,

provides as follows:

> "1. A defendant may be convicted of an offense included in an offense charged in the indictment or information. An offense is so included when
>
> (1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or
>
> (2) It is specifically denominated by statute as a lesser degree of the offense charged; or
>
> (3) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein.
>
> 2. The Court shall not be obligated to charge the jury with respect to an included offense unless there is a basis for a verdict acquitting the defendant of the offense charged and convicting him or the included offense."

STATEMENT OF THE CASE

The criminal case was instituted by the filing of a Information in two counts on June 20, 1977, in the Circuit Court of Jasper County, Missouri, charging that the respondent had committed the offenses of armed robbery and armed criminal action. Sours v. State, supra, 603 S.W.2d at 601. Through his attorney, the respondent filed a motion to quash Count II on the ground that convictions and sentences on both counts would subject him to multiple punishment. The motion was called by respondent's counsel on the date the case was set for trial but the trial court refused to rule on the motion, thus placing the respondent in the position of either pleading guilty to both counts or going to trial before the jury on both counts. The respondent, on that date, October 5, 1977, chose to plead guilty to both counts. On January 5, 1978, the respondent was sentenced to a term of five years on the armed robbery and one of three years on the armed criminal action, the sentences to run consecutively. Thereafter, the respondent pursued his post-conviction remedy

under Missouri Supreme Court Rule 27.26 by filing a motion with the trial court alleging, inter alia, that he had been placed in double jeopardy by being convicted of and sentenced for both armed robbery and armed criminal action. Although, in April, 1979, the trial court granted the respondent some relief by making the sentences run concurrently, the double jeopardy claim was denied. The respondent appealed the denial of this claim to the Missouri Supreme Court and on January 15, 1980, that court held that the respondent had been placed in double jeopardy by being punished for both armed robbery and armed criminal action and reversed the armed criminal action conviction. State v. Sours, supra, 593 S.W.2d 208.

On May 27, 1980, this Court vacated the judgment of the Missouri Supreme Court and remanded the case to that court "for further consideration in light of Whalen v. United States, 445 U.S. ____ (1980)." Upon remand, the Missouri Supreme Court ordered further briefing and heard oral argument in the case and on August 18, 1980, in a new opinion, again determined that the respondent had been placed in double jeopardy by being punished for both armed robbery and armed criminal action. Sours v. State, supra, 603 S.W.2d 592.

On October 9, 1980, a petition for a writ of certiorari was filed in this Court to review this order contained in the second opinion of the state court.

REASONS FOR DENYING THE WRIT

1. This case does not present a double jeopardy issue in a manner that warrants the exercise of the certiorari jurisdiction of this Court.

Attached at Appendix A-1 and A-2 are letters from Mr. H. F. Lauf, the records officer at Missouri State Penitentary to the undersigned counsel which indicate that the respondent was discharged on the armed robbery sentence by commutation of sentence

by the Governor of the State of Missouri on September 25, 1980 and that the armed criminal action sentence, if the respondent had had to complete service of it, expired on October 25, 1980. Under these circumstances, it appears that the respondent has completed his obligation to the State of Missouri for his participation in the Mr. Quick robbery (Sours v. State, supra, 603 S.W.2d at 601) and that even if this court were to again reverse the judgment of the Missouri Supreme Court the respondent would not have to serve additional time. Therefore, the case is essentially moot insofar as the respondent is concerned and in reality no controversy exists between the two parties. For these reasons, this Court should not exercise its certiorari jurisdiction. North Carolina v. Rice, 404 U.S. 244 (1971); Steffel v. Thompson, 415 U.S. 452 (1974); Murel v. Baltimore City Criminal Court, 407 U.S. 355 (1972).

Additionally, the armed criminal action statute which lies at the very heart of any controversy left in this case was renumbered Mo.Rev.Stat.Sec. 571.015 (1978) at the time of the enactment of the new Missouri Criminal Code which was effective on January 1, 1979. Enacted with that code were two new statutes, Mo.Rev.Stat.Secs. 556.041 and .046 (1978), the combined effect of which is to preclude multiple convictions, and consequently multiple punishments, where one offense is included in or a lesser included offense of another. One of the material issues decided by the Missouri Supreme Court in the combined Sours v. State cases was that it was the intent of the Missouri General Assembly, the term used to describe the combined houses, Senate and Legislature, of the legislative branch of the state, to punish separately armed criminal action and the underlying felony. However, that court in the Sours cases also decided that the underlying felony was either an included or lesser included offense of armed criminal action. Insofar as the undersigned is aware, the Missouri Supreme Court

has not had to decide as yet whether the legislative intent to limit convictions (and consequently punishments) as contained in Sections 556.041 and .046 overrides the legislative intent to proliferate convictions and punishments as expressed in the armed criminal action statute. Obviously, the Missouri Supreme Court may hold that the legislative intent of Sections 556.041 and .046 overrides the legislative intent of the armed criminal action statute and, if so, prosecutions under the armed criminal action statute for offenses occurring after the effective date of the new Code, January 1, 1979, will not present any double jeopardy issue under the Fifth Amendment. Under these circumstances, this case does not present an issue in a manner that warrants the exercise of certiorari jurisdiction by this Court. Murel v. Baltimore City Criminal Court, supra.

2. The Double Jeopardy Clause of the Fifth Amendment prohibits imposing separate punishments for two offenses which are in law and fact the same offense even though the punishments are imposed as a result of a single proceeding and even though the legislative intent was that a separate punishment be imposed.

In this case, there was a single proceeding as a result of which the respondent received multiple punishments for armed robbery and armed criminal action, the two offenses arising out of but one incident or transaction. The Missouri Supreme Court has definitively decided two issues which this Court may not disturb:

1. It was the intent of the Missouri General Assembly that separate and multiple punishments be imposed for armed criminal action and the underlying felony.

2. Every element of the underlying felony is included in Armed Criminal Action; this is, proof of the underlying felony does not require proof of any additional fact not needed to prove armed criminal action; that is, armed criminal action in-

cludes the underlying felony; that is, armed criminal action and the underlying felony are in law and fact the same; and that is, armed criminal action is the "same offense" as the underlying felony for double jeopardy purposes. E.g., Whalen v. United States, 445 U.S. ____ (1980); Memorial Hospital v. Maricopa County, 415 U.S. 250 (1973); O'Brien v. Skinner, 414 U.S. 524 (1973); Eastlake v. Forrest City Enterprises, Inc., 426 U.S. 668 (1976); Garner v. Louisiana, 368 U.S. 157 (1961).

Assuming that the respondent has adequately stated the two fundamental issues of state law decided by the Missouri Supreme Court in the combined Sours cases, the phraseology used by the petitioner in stating its version of the "questions" presented" and much of the argument for granting the writ is confusing. The constitutional issue is not one involving multiple "convictions" but one involving multiple "punishments." It is true that, after holding that the respondent could not be punished for both armed robbery and armed criminal action, the Missouri Supreme Court vacated and set aside the "conviction" for armed criminal action. However, in this state there can be no "conviction" unless there is an imposition of a sentence of punishment. See State v. Frey, 459 S.W.2d 359 (Mo. 1970); State v. Crate, 493 S.W.2d 1 (Mo.Ct.App. at St.L. 1973). This rule of Missouri law is important for this Court's study of the Sours cases and Hunter v. State, 420 A.2d 119 (Del. Supr. 1980)(advance sheet). In the latter case, the Delaware Supreme Court was faced with the same multiple punishments-double jeopardy issue contained in this case and its findings on that issue paralleled the findings of the Missouri Supreme Court in the two Sours cases, except

that the Delaware court affirmed the multiple convictions but set aside the multiple sentences. In the respondent's view, the rule of Missouri law noted above is the most likely reason the Missouri Supreme Court did not allow the multiple "convictions" to stand and explains the difference in result in the Hunter case and the Sours cases. It is to be noted that the two state supreme courts reached their decisions independently one from the other and that each court decided that this Court's decision in the Whalen case had not reduced the Fifth Amendment guarantee against multiple punishments to a question of mere legislative intent.

At any rate, the emphasis the petitioner puts on "convictions" in presenting the questions in the case and arguing the case is unwarranted. The case involves a question of the reach of the Fifth Amendment's guarantee against multiple punishments for the same offense. The framework in which the question must be decided is as follows: (1) the punishments result from offenses which arose out of the same act, incident or transaction; (2) it was the legislature's intent to punish each offense separately; (3) there was but one legal proceeding; and (4) the offenses are in law and fact the same offense. Thus, the constitutional question in that framework is whether the multiple punishments imposed for the two (but same) offenses violate the guarantee against multiple punishments contained in the Double Jeopardy Clause of the Fifth Amendment.

The petitioner claims that this Court has given a definitive answer to this question in Whalen and because of the dismissal for want of a substantial federal question in Brinkley v. Michigan, ___ U.S. ____ (1979). The decision in Whalen, however, is clearly based upon a finding of legislative intent and does not measure the reach of the protection against multiple punishments. The case underlying Brinkley, is cited as Wayne

County Prosecutor v. Recorder's Court Judge, 406 Mich. 374, 280 N.W.2d 794 (1979). In the latter case, the Michigan Supreme Court was construing a felony firearms statute which the petitioner has reproduced as his Appendix D to the petition and the underlying felony, in Brinkley's case armed robbery. In essence, at least as is important here, the Michigan court held the felony firearms statute created a separate and distinct crime from the underlying felony so that the two offenses were not the same. As the respondent perceives it, this holding by the Michigan court was conclusive on the issue of whether the two offenses were the same for double jeopardy purposes and therefore this Court, not being free to place a contrary construction on state statutes, could find no substantial federal question. (It is true that if the rule in Blockburger v. United States, 284 U.S. 299 (1932) is one of constitutional dimension and if that rule were to mandate the reasoning of the majority in Whalen v. United States, supra, 63 L.Ed.2d 715, 725, concerning felony murder and the underlying felony, there would clearly have been a substantial federal question in Brinkley. However, Whalen has placed the status of the Blockburger rule in question and, furthermore, there appears to be no settled precedent that the reasoning of the majority on felony murder and the underlying felony is constitutionally mandated. But see Harris v. Oklahoma, 433 U.S. 682 (1977). It is to be noted, however, that in this case the holding of the Missouri Supreme Court that armed criminal action and armed robbery are, for double jeopardy purposes, the "same offense" does not concern the status of the Blockburger rule. That holding is based on the state court's construction of state laws. Even if this Court were to disagree with that holding on constitutional grounds, the Court would be unjustified in disturbing the holding as there is no constitutional deprivation

resulting from the holding. Thus, the status of the Blockburger rule is not involved in this case.)

In sum, it appears this Court has not definitively addressed the multiple punishments-double jeopardy question in this case. With regard to this question, the Missouri Supreme Court has fully reviewed and considered the opinions of this Court. Sours v. State, supra, 593 S.W.2d at 211-14, 218-21 and Sours v. State, supra, 603 S.W.2d at 603-606. Citations to prior opinions of this Court are contained in the thorough analysis of the Missouri court. Also, see Hunter v. State, supra. The respondent cannot either improve on or add to the analysis of the constitutional question made by the Missouri and Delaware courts. In sum, the Double Jeopardy Clause of the Fifth Amendment to the Constitution of the United States prohibits Missouri from punishing the respondent twice for the same offense. In the framework of this case, armed robbery and armed criminal action are the same offense. Therefore, the respondent may not be punished for both offenses. The jurists in Hunter v. State, supra, 420 A.2d at 128 saw the analysis they gave the question as constituting "settled law on the subject of double jeopardy." They present persuasive arguments as to why multiple punishments should be disallowed:

> "It is argued that the differences between punishment for the same offense via the vehicle of two statutes and enhanced punishment by one statute, which is clearly constitutional, is illusory. We disagree. punishment for the same offense via two separate statutes does more than merely cumulate punishment for that one offense. It has profound collateral effects on parole considerations, future treatment as an habitual offender, and may lead to harsher sentences for later offenses. . . .
>
> * * * *
>
> "We are of the opinion that the Double Jeopardy Clause was intended to prevent double punishment regardless of the procedural context in which it is found.

> We can find no sound basis, in Whalen or elsewhere, to exempt the Legislature from adherence to this constitutional doctrine in the instant case. Multiple sentences in the same trial for the same act are equally as abhorrent to the constitutional guarantee, in our view, as multiple sentences for the same act resulting from multiple trials."

Id. at 130.

The Missouri Supreme Court also declined to make any ruling which would free the Missouri General Assembly to "impose separate punishments for two crimes that constitute the same offense under the traditional same evidence test."

> "We believe that such a ruling would abolish the traditional double jeopardy protection against multiple punishments for the same offense. It would require bifurcation of the meaning of 'same offense' under the double jeopardy clause. It would grant the state legislature the power to define the meaning of 'same offense' as used in the double jeopardy clause of the Constitution, a traditional judicial function. The implicit effect of such a holding would be that the double jeopardy clause would hereafter be only a limitation on the executive and judicial branches, but not on the legislative branch of government. We do not believe that it is appropriate for this Court to make such a ruling. If such a ruling is to be made, it is the responsibility of the United States Supreme Court to make it."

603 S.W.2d at 606.

In fact, if the issue of whether multiple punishments for the same offense can be imposed is reduced to an issue of legislative intent, it may no longer be said that there are three separate constitutional protections in the guarantee against double jeopardy. There would never be need to invoke the third protection, the protection against multiple punishments for the same offense. See, e.g., North Carolina v. Pearce, 395 U.S. 711 (1969); United States v. DiFrancesco, No. 79-567 (Decided December 9, 1980, 28 Cr.L. 3017).

Because there was only one criminal proceeding in this case, one of the primary objectives of the double jeopardy guarantee - that of prohibiting a second proceeding - is not involved. Surely prohibiting multiple punishments for the same offense is another basic thrust or purpose of that guarantee. Surely, "the prosecution may not do in one trial what it is prohibited from doing in two trials." Elmore v. State, 382 N.E.2d 893, 894-95 (Ind. 1978). Here, the state could not convict and punish the respondent for one of the two offenses at one criminal proceeding and then convict and punish him for the second of the two offenses at a second criminal proceeding. Harris v. Oklahoma, supra. If the state were to be allowed to do in one proceeding what the state may not do in two proceedings, form would be clearly be exalted over substance. It is said that in this area of constitutional law, the "exaltation of form over substance is to be avoided." United States v. DiFrancesco, supra, 28 Cr.L. at 3025.

So let it be.

CONCLUSION

For the foregoing reasons, the petition for writ of certiorari should be denied.

Respectfully submitted,

DAVID ROBARDS
PUBLIC DEFENDER

201 JASPER COUNTY COURTS BUILDING
SIXTH AND PEARL STREETS
JOPLIN, MISSOURI 64801
(417) 781-4114

ATTORNEY FOR RESPONDENT

I hereby certify that a true and correct copy of the foregoing was mailed postage pre-paid this 19th day of December, 1980 to: Mr. Steven W. Garrett, Attorney General's Office, Supreme Court Building of Missouri, Jefferson City, Missouri 65102.

Paula E. Howell

BILL ARMONTROUT
ASSOCIATE WARDEN-INSTITUTIONAL SERVICES

CALVIN BEARD
ASSOCIATE WARDEN-PROGRAM SERVICES

E.A. KEY, D.O.
CHIEF MEDICAL OFFICER

Missouri State Penitentiary

DONALD W. WYRICK, WARDEN
JEFFERSON CITY, MISSOURI 65101
(314) 751-3224

10 October 1980

Mr. David Robards
Public Defender
Jasper County Courts Building
601 Pearl
Joplin, Missouri 64801

Dear Mr. Robards:

RE: SOURS, William Scott Reg. No. 33620

With reference to your letter of 8 October, concerning the above subject, be advised that SOURS was discharged by Commutation of Sentence by the Governor on 25 September 1980. For a certified copy of the commutation papers, we will have to refer you to the Secretary of State's Office, as the original of the commutation was given to SOURS when he left here.

Had his Armed Criminal Action sentence not been vacated, he would have had to remain here until 25 August 1981.

If further information is needed, please advise.

Very truly yours,

FOR THE WARDEN

H. F. Lauf
Records Officer

HFL:wfb

APPENDIX A-1

BILL ARMONTROUT
ASSOCIATE WARDEN-INSTITUTIONAL SERVICES

CALVIN BEARD
ASSOCIATE WARDEN-PROGRAM SERVICES

E.A. KEY, D.O.
CHIEF MEDICAL OFFICER

Missouri State Penitentiary

DONALD W. WYRICK, WARDEN
JEFFERSON CITY, MISSOURI 65101
(314) 751-3224

5 November 1980

Mr. David Robards
Public Defender-29th Judicial Circuit
Jasper County Courts Building
601 Pearl
Joplin, MO 64801

Dear Dave:

RE: SOURS, William Scott #33620

With reference to your letter of 27 October 1980, concerning the above subject, please accept my apology for giving you erroneous information. The date of 25 August 1981 would have applied had Sours' Armed Criminal Action been five years. However, the Armed Criminal Action sentence was three years; therefore, the expiration of that sentence would have been 25 October 1980.

Again, please accept my apology for the wrong information given to you previously.

Sincerely,

FOR THE WARDEN

H. F. Lauf
Records Officer

HFL/pmf

APPENDIX A-2